

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

NEXUS ASSET HOLDINGS, LLC, *et al.*,

Plaintiffs,

v.

WORLD HOCKEY ASSOCIATION
CORP., *et al.*,

Defendants.

Case No. 2:07-CV-00206-KJD-LRL

ORDER

Presently before the Court is Defendant Robert M. Hull's Motion to Dismiss with Prejudice for Want of Prosecution (#220). Plaintiff Global Developments, Inc. filed a Joinder (#221) to Defendant Hull's motion. Though the time for doing so has passed Plaintiff Nexus Asset Holdings, LLC ("Nexus") has failed to file a response in opposition to the motion.

Plaintiffs filed their action on February 15, 2007. At the time, both parties were represented by the same counsel. However, on June 26, 2007, Hutchison & Steffen, LLC moved to withdraw as counsel for Nexus, because of potential conflicts of interest between the two clients. Counsel also had been unable to locate any officers of Nexus. The motion to withdraw was granted on August 8, 2007 (#86). After the withdrawal, Nexus has not been represented in this action and has not participated in any way in the action. Furthermore, Nexus's status as a Texas LLC was forfeited on

1 or about February 9, 2007. See Defendant Hull's Motion, Exhibit 1, p. 7-8 (#220). Defendant
2 Global and Hull have reached a tentative settlement.

3 Reviewing the factors set out in Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1987),
4 the Court agrees that Nexus's causes of action must be dismissed with prejudice. First, the public
5 interest in expeditious litigation will be satisfied. Leaving these claims open will prejudice all parties
6 by indefinitely delaying the litigation. Second, the court's need to manage its docket will be satisfied
7 by dismissing the claims of a party that has failed to participate in asserting its claims. Defendants
8 will be prejudiced if the litigation is not resolved with all claims being dismissed. Less drastic
9 sanctions are not available, because Nexus has forfeited its business entity status and no officer has
10 been found to step into Nexus' shoes. Therefore, in accordance with Local Rule 7-2(d) and good
11 cause being found, the Court grants Defendant Hull's motion.

12 Accordingly, **IT IS HEREBY ORDERED** that Defendant Robert M. Hull's Motion to
13 Dismiss with Prejudice for Want of Prosecution (#220) is **GRANTED**;

14 IT IS FURTHER ORDERED that the Clerk of the Court enter **JUDGMENT** for Defendants
15 and against Plaintiff Nexus Asset Holdings, LLC only.

16 DATED this 12th day of November 2010.

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20 Kent J. Dawson
21 United States District Judge
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